

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: FORD MOTOR CO. F-150
AND RANGER TRUCK FUEL
ECONOMY MARKETING AND
SALES PRACTICES LITIGATION

This Document Relates To: All Actions

Case No.: 19-md-02901

Hon. Sean F. Cox

STIPULATED ORDER EXTENDING DEADLINES

The matter comes before the Court upon the following Stipulation of the undersigned Parties, who state:

1. In this Multidistrict Litigation, the Court ordered Plaintiffs to file a Consolidated Amended Master Complaint on January 27, 2020, and Ford to respond by March 27, 2020.

2. On January 27, 2020, Plaintiffs filed a 557-page Class Action Complaint (CAC) with 2,006 paragraphs, 20 exhibits (spanning 132 pages), and 121 counts on behalf of plaintiffs from 30 states.

3. Circumstances attendant to the unprecedented COVID-19 global pandemic prevent or significant hinder Ford's and its counsels' ability to comply with the current briefing schedule.

4. COVID-19 has impacted the world in many, and largely unexpected, ways. The World Health Organization declared COVID-19 a global pandemic, emphasizing it is "not just a public health crisis[;] it is a crisis that will touch every

sector.”¹ The Centers for Disease Control and Prevention has recommended travel restrictions and social distancing in an effort to decrease the spread of this global pandemic.² On March 13, 2020, the President of the United States proclaimed that the COVID-19 outbreak constitutes a national emergency.³ And Michigan, like many other states, has issued a statewide shelter-in-place order, restricting non-essential business operations.⁴

5. Many businesses, including Ford and the law firms representing both parties in this case, have implemented efforts to aid in preventing spread of the disease, including instituting travel bans, and moving to a remote workforce.

6. These efforts are important to address the safety of individuals, mitigate against the spread of disease, and respond to changing economic circumstances.

7. The COVID-19 response measures also result in Ford’s workforce and counsel having reduced or insufficient access, or sometimes no access, to equipment, information, and personnel reasonably necessary to meet the current briefing deadlines, especially considering the complex legal and factual analysis required to

¹ See <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

² See *Interim Guidance for Businesses*, February 26, 2020.

³ See <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

⁴ See https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html.

address a 557-page complaint with 121 claims under 30 different state laws.

8. It's not just Ford. Businesses in and outside Michigan are being forced to focus on critical supply chain and workforce disruptions,⁵ while law firms and lawyers respond to their clients' COVID-19-related emergency questions—like which contracts are still in force and enforceable,⁶ how to respond to employee questions and concerns, and in what ways the patchwork of shelter-in-place orders alter obligations in Michigan, the United States, and around the world.⁷ “[L]awyers are working around the clock to help clients navigate the uncharted legal waters sparked by the rapidly spreading COVID-19,”⁸

⁵ See <https://www.forbes.com/sites/christianweller/2020/03/19/what-we-know-about-the-economic-impact-of-the-coronavirus-and-how-that-should-guide-policy/#2047dc8a375f> (“Governments, businesses and families respond to the pandemic in unprecedented ways, massively and necessarily disrupting the economy in the process.”);

<https://www.morningstar.com/articles/974585/will-supply-chain-disruptions-and-delayed-capital-spending-be-material> (“Supply-side disruptions are a significant risk amid the coronavirus pandemic.”);

<https://www.machinedesign.com/community/article/21127051/measuring-covid19s-impact-on-the-worlds-supply-chains> (“For a majority of U.S. businesses ... lead times have doubled, and that shortage is compounded by the shortage of air and ocean freight options to move product to the United States – even if they can get orders filled.”).

⁶ See <https://www.pymnts.com/coronavirus/2020/covid-19-ripple-effects-force-majeure/>.

⁷ See <https://www.michbar.org/News/NewsDetail/nid/5671/FAQ-About-COVID-19-from-Michigan-Lawyers>.

⁸ See <https://www.abajournal.com/web/article/lawyers-and-law-firms-say-they-are-inundated-with-coronavirus-related-queries>.

9. And law firms are businesses and employers, too. Firms—including the undersigned—are themselves responding to the needs of their employees, the disruptions to their own supply chains, the ever-changing legal landscape at the federal and state level, and “the pandemic’s long-term economic impacts that could boost demand for some legal services, while depressing the market for others.”⁹

10. Remote operations of businesses and law firms have solved many problems, but created some new difficulties. Physical equipment and information can be impossible or not feasible to reach. Transition to remote operations creates inefficiencies in establishing new ways to complete old work. Time continues to be lost to over-taxed internet, phone, and tele-conferencing services.¹⁰ And now-remote workforces are over-taxed, too, as they juggle home-working, home-schooling, and in some cases, home-caregiving.¹¹

⁹ See <https://www.abajournal.com/web/article/lawyers-and-law-firms-say-they-are-inundated-with-coronavirus-related-queries>;

<https://www.nytimes.com/2020/03/21/business/economy/coronavirus-recession.html> (“The American economy is facing a plunge into uncharted waters.”).

¹⁰ See <https://www.the-sun.com/lifestyle/tech/576367/zoom-down-in-mysterious-outage-as-video-calling-app-stops-working-around-the-world/>;

https://www.theregister.co.uk/2020/03/16/zoom_teams_outage/

¹¹ See <https://www.detroitnews.com/story/news/education/2020/03/23/home-schooling-challenges-michigan-students-parents/5072405002/>;

See, e.g., <https://www.cdc.gov/coronavirus/2019-ncov/prepare/managing-stress-anxiety.html> (coping with stresses of coronavirus).

11. The affects are likewise hitting the courts. The state courts of Michigan have declared that “any day that falls during the state of emergency” is not included for purposes of counting time for initial-pleading and initial-motion deadlines.¹²

12. Federal courts are predicting at least a three-month disruption.¹³

13. The U.S. Supreme Court has categorically extended the filing time for certiorari petitions and directed its Clerk to grant reasonable motions for extensions “as a matter of course” if related to COVID-19 issues—reflecting the Court’s judgment that “good cause” exists to give all potential petitioners the benefit of more time. *See* Order (U.S. S. Ct. 2020), <https://bit.ly/2U9GQLi>; *see also* 28 U.S.C. 2101(c) (permitting extension of petition deadline only for 60 days, and only “for good cause shown”).

14. This Court has also altered its operations, with court chambers and staff prioritizing criminal matters, while fielding calls from affected litigants. *See* <http://www.mied.uscourts.gov/pdf/files/20AO021.pdf>. And on March 25, after a court security officer tested positive for the COVID-19 virus, the General Services Administration closed the courthouse to the public, “until the GSA can clean the

¹² *See* https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Administrative%20Orders/2020-08_2020-03-23_FormattedOrder_AO2020-3.pdf

¹³ *See* Jacqueline Thomsen, *Predicting 3-Month Disruption Over COVID-19, Judiciary Requests \$7 Million in Emergency Funds*, Law.com (Mar. 17, 2020), <https://bit.ly/2xdNdEC>.

courthouse according to federal guidelines.” <https://www.mied.uscourts.gov/>.

15. These impacts of the COVID-19 virus on litigants and counsel continue to evolve daily.

16. This extension will not prejudice any party.

17. Meanwhile, a 31-day extension will allow the parties and counsel to focus on the “unique crisis . . . that jeopardi[z]es economic and social development for us all.” H.E. Ambassador Mona Juul (President of the United Nations Economic and Social Council), *Statement on COVID-19* (Mar. 18, 2020), <https://bit.ly/3bgxuDk>. And it will also help the Court, which itself is operating under unprecedented burdens, to focus on matters that genuinely require immediate attention during this time of national emergency.

18. The parties agree to this extension.

19. The parties agree to revisit case deadlines in 21 days, after which either party may individually or jointly seek additional extensions, as appropriate.

WHEREFORE, based upon the Parties’ stipulation, and for good cause shown, it is hereby **ORDERED** that due to the global pandemic, COVID-19, the federal and State of Michigan emergency declarations, and the disruptions in businesses and in courts, all future scheduling order dates are adjourned 31 days, subject to further order of the Court:

Activity	Existing Date (Dkt. 60 at 16)	New Date
Defendant's Motions to Dismiss CAC	March 27, 2020	April 27, 2020
Plaintiffs' Opposition to MTD	May 26, 2020	June 26, 2020
Defendant's Reply to Opposition to MTD	June 23, 2020	July 24, 2020
Amend Pleadings without leave	July 21, 2020	August 21, 2020

SO ORDERED.

Dated: March 27, 2020

s/Sean F. Cox

Sean F. Cox

U. S. District Judge

STIPULATED AND AGREED TO BY:By: /s/ Stephanie A. Douglas

Dated: March 26, 2020

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Dated: March 26, 2020

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